IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 61 OF 1993

Ravindra B. Vangikar & Ors. ..Appellants

versus

The State of Maharashtra ..Respondents

Ms. S. A. Mudbidri for the Appellants.

Mr. S. N. Gawade, AGP for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 10TH MARCH, 2005

ORAL ORDER :

1. Heard counsel for the Appellants and learned AGP for the State.

2. This Appeal is filed by the original claimants in a land acquisition proceedings for enhancement of compensation which was awarded by Reference Court i.e. Civil Judge, Senior Division, Pandharpur, vide order dated 7.4.1992. The SLAO has awarded Rs.36,000/- per hectare. Reference Court awarded Rs.50,000/- per hectare. Claimant was claiming Rs.40,000/- per R, which comes to Rs.40 lacs per hectare and since the compensation as demanded was not awarded, this Appeal has been filed

by the original claimants. It has to be noted at the first instance that the sale price claimed by the claimants of Rs.40 lacs per hectare is beyond imagination and perception. There is absolutely nothing on record to show that they are entitled to this much compensation.

3. The claimants relied upon three sale instances, one of which was prior to the Notification under Section 4 i.e. Notification dated 25.4.1980. That sale deed is of 5.3.1980 and other two sales instances are after the notification i.e. 28.1.1982 and 31.3.1981. The Reference Court rightly rejected the two sale instances which were subsequent to the Notification under Section 4. But even if they were accepted the price would not go beyond Rs.1,000/- per R.

4. So far as Sale instance dated 5.3.1980 is concerned, the subject matter of the sale deed was 2 H. 2 R. and the price fixed was Rs.1,75,000/-. That sale instance was rejected by SLAO himself because the sale deed contains a clause that if there is acquisition or acquisition proceedings are started, seller will return the amount of advance, so accepted. The SLAO therefore rightly found that the sale deed dated 5.3.1980 was in anticipation of acquisition proceedings and therefore obviously the

price did not reflect the correct true position.

5. The claimants has relied upon, as stated above, only on three sale instances, all of them were rightly considered and rejected by he Court. No case is made out for further enhancement of compensation. The Appeal is therefore dismissed. No order as to costs.

10.3.2005 (D.G. DESHPANDE, J.)